

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

ERIC RAY PRICE	§	
VS.	§	CIVIL ACTION NO. 1:13-CV-523
KATHRYN WILSON	§	

## MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Eric Ray Price, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the defendant Kathryn Wilson.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

## Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

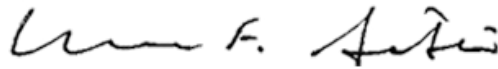
Plaintiff complains of an incident that occurred at the Hamilton General Hospital and involved his ultimate criminal conviction in the district court of Hamilton County, Texas. Defendant Kathryn Wilson resides in the Western District of Texas, Waco Division, and a substantial part of the events or omissions giving rise to the claims occurred in the Western

District of Texas, Waco Division. Venue, therefore, is not proper in the Eastern District of Texas.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C.

§ 1406(a). Plaintiff’s claim against the defendant should be transferred to the Western District of Texas, Waco Division. An appropriate order so providing will be entered by the undersigned.

**SIGNED** this 9 day of September, 2013.

A handwritten signature in black ink, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE